



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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Monday, May 23, 2016

6:00 PM

City Hall Council Chambers

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*Present: James Mills, Brad N. Leskoven, Ronald Clark, Bobby Van Buren and Justice Barber*

*Absent: J. K. Lowman and David Hunter*

*Staff:*

*Brian Binzer, Development Services Director*

*Rusty Roth, Planning & Zoning Manager*

*Jasmine Chatman, Urban Planner*

*Daniel White, City Attorney*

*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Chairman Mills called the May 23, 2016 meeting of the Board of Zoning Appeals to order at 6:00 PM.*

*Chairman Mills explained the rules and procedures used in conducting the public hearings.*

### MINUTES:

**20160426 April 25, 2016 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the April 25, 2016 Board of Zoning Appeals Meeting Minutes.**

*Mr. Leskoven made a motion, seconded by Mr. Clark that the April 25, 2016 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-0. Mr. Lowman and Mr. Hunter were absent.*

**A motion was made by Board member Leskoven, seconded by Board member Clark, that this Minutes be Approved and Finalized. The motion CARRIED by**

the following vote.

Absent: 2

Vote For: 5

## VARIANCES:

20160331

V2016-16 [VARIANCE] LEE JARAYSI

**V2016-16 [VARIANCE] LEE JARAYSI is requesting variances for property located in Land Lot 578, District 17, Parcel 0020, 2nd Section, Marietta, Cobb County, Georgia and being known as 585 Franklin Gateway. Variance to allow more than 50% of the windows containing signage account for more than 50% of the window face; variance to allow wall signage cover more than 15% and/or 5% of the wall face. Ward 7A.**

*A public meeting was held.*

*Mr. Mohamed, for the applicant, presented a request for a variance to allow more than 50% of the windows containing signage account for more than 50% of the window face; variance to allow wall signage cover more than 15% and/or 5% of the wall face.*

*There was no opposition to this variance.*

*The board members asked if he had any mock ups or suggestions on how they could reduce the amount of window coverings and Mr. Mohamed stated that he was asked by the applicant to attend the meeting on his behalf shortly before the meeting and that he did not have any new information to provide.*

*The board members asked him if he felt the applicant would prefer to table this request even though there would be fees involved, so that he could meet with staff and determine possible solutions that would allow for UV protection of his products without 100% window coverings and he agreed.*

*The public hearing was closed.*

*A motion was made by Ms. Barber to table this variance request to the June 27, 2016 Board of Zoning Appeals Meeting to allow time for the applicant to work with staff for a proposed plan. It was seconded by Mr. Van Buren. The Motion carried 4-1-0. Mr. Leskoven opposed.*

**A motion was made by Board member Barber, seconded by Board member Van Buren, that this Variance be Tabled. The motion CARRIED by the following vote.**

Absent: 2

Vote For: 4

Vote Against: 1

20160338

**V2016-17 [VARIANCE] MT. PARAN CHRISTIAN SCHOOL**

**V2016-17 [VARIANCE] MT. PARAN CHRISTIAN SCHOOL** is requesting variances for property located in Land Lots 243, 244, 251, & 252, District 20, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 1275 Stanley Road. Variance to allow a 150 sq. ft. sign on a 12'x 50' wall; variance to allow two 5'x10' freestanding temporary signs. Ward 4C.

*A public meeting was held.*

*Mr. Sean Davis and Mr. David Lowery presented a request for a variance to allow a 150 sq. ft. sign on a 12'x 50' wall; variance to allow two 5'x10' freestanding temporary signs.*

*There was one (1) in opposition to this variance.*

*Mr. Davis updated the Board Members with new information, stating that a donor has stepped up and will be funding a proper monument stone type sign, therefore the request for a v-shaped sign can now just be for one sign instead of a v-shaped sign as they will be moving it a little further away from the residential community and will no longer be in the corner. Mr. Davis stated the temporary sign will be placed at the entrance to the parking lot of the Murray Arts Center.*

*The board members asked what the estimated timeline for an official sign was and whether the temporary signs would still be needed. Mr. Davis stated that they have started the design process for the monument sign and plan on doing a message board sign as well near the entrance to the new high school, which is currently under construction. They still need a variance for the temporary banners until the message board type sign is up.*

*Ms. Barber asked for specifics as to exactly where the signs would located. Mr. Davis approached the bench and pointed on the picture where the proposed permanent signs will be located.*

*There was one (1) person in opposition. Mr. Clarence Cole, a neighbor from Barrett Greene Subdivision, opposed because he feels the sign would cause traffic backups as people slow down to read the signs and also feels this would affect property values in the area.*

*Mr. Van Buren asked Mr. Cole if he is only opposing to the temporary sign on Stilesboro Road and Mr. Cole affirmed reiterating that he is concerned about traffic tie-ups and property values.*

*Mr. Davis rebutted, stating that they were not aware that a neighbor was opposed and that they will reach out to them and explain their intentions. He explained that the signs were further away from the Barrett Greene Subdivision and that they would not be using temporary signs once the message board was installed.*

*The public hearing was closed.*

*A motion was made by Ms. Barber, to grant the application for variances to allow one 150 sq. ft. sign on a 12'x 50' wall and one 5'x 10' freestanding temporary sign with the following stipulations for the temporary sign:*

- 1. No sign can be up longer than 7 consecutive days.*
- 2. No sign will be up longer than 60 days in the aggregate in a single calendar year.*
- 3. The school will submit a monthly report to the City of Marietta Planning and Zoning staff for the prior month usage of this temporary signage variance.*
- 4. The variance for the temporary sign will terminate if the school is granted permission to install a message board elsewhere on school property along Stilesboro Road.*

*The variances are granted on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Leskoven. The Motion carried 5-0-0.*

A motion was made by Board member Barber, seconded by Board member Leskoven, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.

Absent: 2

Vote For: 5

**20160339 V2016-18 [VARIANCE] VERMEER SOUTHEAST**

**V2016-18 [VARIANCE] VERMEER SOUTHEAST is requesting variances for property located in Land Lot 1167, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1320 Gresham Road. Variance to allow a 6' chain link fence with an additional 1' of barbed wire in the front yard. Ward 5A.**

*A public meeting was held.*

*Mr. Todd Ver Steeg presented a request for a variance to allow a 6' chain link fence with an additional 1' of barbed wire in the front yard.*

*There was no opposition to this variance.*

*The board members asked if he was familiar with the fact that if the variance were approved, the gate would need to either swing into the property as opposed to the public right of way or roll laterally with the fence and if he would be opposed to such stipulation and Mr. Ver Steeg affirmed and stated that he would be in total agreement with such stipulation.*

*The public hearing was closed.*

*A motion was made by Mr. Clark to grant the application with the stipulation that the gate would need to either swing into the property as opposed to the public right of way or roll laterally with the fence, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Van Buren. The Motion carried 5-0-0.*

A motion was made by Board member Clark, seconded by Board member Van Buren, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.

Absent: 2

Vote For: 5

**20160349 V2016-20 [VARIANCE] TAMMY TURNER**

**V2016-20 [VARIANCE] TAMMY TURNER is requesting variances for property located in Land Lot 1140, District 16, Parcel 0240, 2nd Section,**

**Marietta, Cobb County, Georgia and being known as 949 Springdale Drive.  
Variance to allow gravel as an acceptable parking surface. Ward 5B.**

*A public meeting was held.*

*Ms. Tammy Turner presented a request for a variance to allow gravel as an acceptable parking surface.*

*There was no opposition to this variance.*

*Ms. Turner explained that she received a quote to pour concrete on the gravel parking area for \$7,000 but that it was cost prohibitive at this time as they have spent a lot of money repairing the house and cleaning up the exterior. She provided a poster board with before and after pictures of the property and demonstrated where washed out gravel previously existed in the area that she replenished the gravel at the request of Code Enforcement, and was now being asked to remove.*

*The board members asked questions about the history of the gravel parking area and explained that the area that was not grandfathered would likely need a concrete apron on the right of way. Ms. Turner expressed confusion pertaining to the requirement of an apron as this gravel area has been that way without an apron for many years as demonstrated in the poster board pictures and stressed that she would prefer to leave the gravel the way it currently is.*

*The public hearing was closed.*

*A motion was made by Ms. Barber, to grant the application without requiring a concrete apron, and only within the footprint as it exists today; on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Clark. The Motion carried 5-0-0.*

**A motion was made by Board member Barber, seconded by Board member Clark, that this Variance be Approved as Stipulated. The motion CARRIED by the following vote.**

**Absent: 2**

**Vote For: 5**

**20160381**

**V2016-21 [VARIANCE] TRICKUM OPS LLC (BOJANGLES)**

**V2016-21 [VARIANCE] TRICKUM OPS LLC (BOJANGLES) is requesting variances for property located in Land Lot 726, District 17, Parcels 0070, 0060, & 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1183 & 1185 Franklin Gateway; 2120 Kingston Court. Variance to allow an accessory structure closer to the right of way (Kingston Court) than the principal building. Ward 7A.**

*A public meeting was held.*

*Mr. Matthew Kirby presented a request for a variance to allow an accessory structure closer to the right of way (Kingston Court) than the principal building.*

*There was no opposition to this variance.*

*There were no questions from the Board Members.*

*The public hearing was closed.*

*A motion was made by Ms. Barber, to grant the application on the basis that exceptional or extraordinary circumstances or conditions are applicable to the development of the site that do not apply generally to sites in the same zoning district. It was seconded by Mr. Van Buren. The Motion carried 5-0-0.*

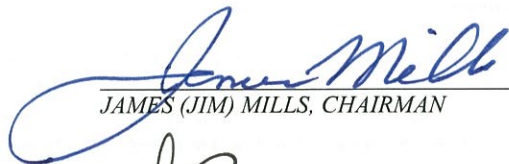
**A motion was made by Board member Barber, seconded by Board member Van Buren, that this Variance be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent: 2**

**Vote For: 5**

### **ADJOURNMENT:**

*The May 23, 2016 meeting of the Board of Zoning Appeals was adjourned at 7:07PM*

A blue ink signature of James (Jim) Mills, written in a cursive style.

JAMES (JIM) MILLS, CHAIRMAN

A black ink signature of Ines Emler, written in a cursive style.

INES EMBLER, SECRETARY